

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANDREW LOFTIS, §
TDCJ #542783, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-06-2452
§
§
BRIAN SMITH, §
§
§
Defendant. §

FINAL JUDGMENT

For the reasons set out in the Court's *Memorandum and Order* of even date, this case is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted at this time. The dismissal is without prejudice to refiling once the plaintiff has exhausted his administrative remedies.

This is a **FINAL JUDGMENT**.

The Clerk shall provide a copy of this order to the parties.

SIGNED at Houston, Texas, on **July 31, 2006**.



Nancy F. Atlas
United States District Judge